

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT
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OCT 21 2004

In re the application of:

David Ian ALLEN

Serial No.: 09/748,391

Filed: December 27, 2000

For: METHOD, DEVICE AND SOFTWARE
FOR ENSURING PATH DIVERSITY
ACROSS A COMMUNICATIONS
NETWORK

Group Art Unit: 2157

Examiner: Avi M. GOLD

Attorney Docket: 92644-36

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Customer No. 22463

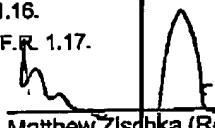
AMENDMENT TRANSMITTAL LETTER

Transmitted herewith is an amendment in the above-identified application.

The fee has been calculated and is transmitted as shown below.

CLAIMS AS AMENDED					
	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST # PREV. PAID FOR	NUMBER EXTRA CLAIMS PRESENT	RATE	ADDITIONAL FEE
TOTAL CLAIMS	22 -	22 =	0	X \$18	\$0
INDEP. CLAIMS	5 -	5 =	0	X \$88	\$0
Multiple Dependent Claims (check if applicable) 0					\$
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT					\$0

- ☒ No additional fee is required for amendment.
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- ☒ The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 19-2548. A duplicate copy of this sheet is enclosed.
- ☒ Any additional filing fees required under 37 C.F.R. 1.16.
- ☒ Any patent application procession fees under 37 C.F.R. 1.17.

October 21, 2004
Date

 Matthew Zischka (Reg. 41,575)
 SMART & BIGGAR
 438 University Avenue, Suite 1500, Box 111
 Toronto, Ontario, Canada M5G 2K8
 Telephone: (416) 593-6514

MZ/pan

OCT 21 2004

SMART & BIGGAR*Intellectual Property & Technology Law*

To Fax no.: 1-703-872-9306
Page 1 of: 11
Attention: **MAIL STOP AMENDMENT**
Commissioner for Patents
United States Patent & Trademark Office

438 University Avenue
Suite 1500, Box 111
Toronto, Canada M5G 2K8

Tel.: (416) 593-5514
Fax: (416) 591-1690

From: Mathew Zischka

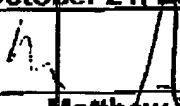
Your file no.: 09/748,391

Date: October 21, 2004

Reply to Toronto file no.: 92644-36

Time:

1. Amendment Transmittal Letter (1 page)
2. Petition for 1 Month Extension of Time under 37 CFR 1.136(a) (1 page)
3. Response to Office Action mailed June 22, 2004 (8 pages)

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RESPONSE

Dear Sir:

This is a response to the Office Action mailed June 22, 2004. Please amend the application as follows:

Amendments to the Claims begin on page 2 of this paper.

Remarks/Arguments begin on page 5 of this paper.